

REMARKS

Claims 1 and 6-22 are pending in the present application. Reconsideration and withdrawal of the present rejection in view of the comments presented herein are respectfully requested.

Obviousness-type double patenting

Claims 1 and 6-22 were provisionally rejected on the ground of obviousness-type double patenting as being unpatentable over claims 1-11 of commonly owned, copending Application No. 10/865,040.

Although the rejection states that "Claims 1, 6-22 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-11 of copending Application No. 10/540,056", it is clear that the Examiner intended to recite Application No. 10/865,040 rather than 10/540,056, since 10/540,056 is the number of the present application, not a different application, and the rejection at page 3 states that "The comprising language of the claims in 10/540,056 includes other components such as propylene glycol and thus fully encompasses the claims of 10/865,040." Enclosed herewith is a terminal disclaimer over Application No. 10/865,040 which overcomes this rejection.

In view of the terminal disclaimer and comments presented herein, Applicants respectfully request reconsideration and withdrawal of the obviousness-type double patenting rejections.

Appl. No. : 10/540,056
Filed : June 22, 2005

CONCLUSION

Applicants submit that all claims are now in condition for allowance. Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

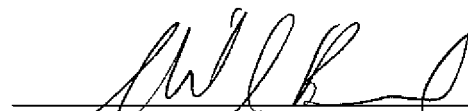
Respectfully submitted,

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Dated: _____

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By: _____



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